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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/510,278

06/15/2005

Benoit Coenraets

COENRAETS10

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EXAMINER

PUROL, DAVID M

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

02/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/510,278 | Applicant(s) COENRAETS, BENOIT | |
| | Examiner David M. Purol | Art Unit 3634 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's election with traverse of Species II of the wall with a set of doors as drawn to figures 4-11 in the reply filed on October 18, 2007 is acknowledged. The traversal is on the grounds that the mutually exclusive structural characteristics identified by the examiner are not regarded at present to be essential parts of the invention as claimed in the independent claims.

This is not found persuasive because the applicant has not submitted evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case.

The requirement is still deemed proper and is therefore made FINAL.

Accordingly, claim 5 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,6-9,11,12,14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruffner (U.S. Patent No. 6,035,253) in view of Stroup et al (U.S. Patent No. 3,090,427). Ruffner discloses a wall 15,16,20,21 with a set of doors comprising a first flexible door 12 having sealing elements 65,66,68,69, a second door 11 having a rigid bottom edge with the flexible door 12 at least partially being arranged between the second door 11 and the wall 15,16,20,21. While Ruffner does not disclose

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the use of guide strips, Stroup et al disclose a door with a rigid bottom edge comprising a guide strip 9 on the wall 1 and a guide strip 20 on bottom edge of the door 19, wherein, to incorporate this teaching into the door of Ruffner for the purpose of guiding and maintaining a sealing engagement with the set of doors would have been obvious to one of ordinary skill in the art.

3. Claim 10, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruffner (U.S. Patent No. 6,035,253) in view of Stroup et al (U.S. Patent No. 3,090,427) as applied to claims 1-4,6-9,11,12,14-23 above, and further in view of Church (U.S. Patent No. 4,141,403). While Ruffner does not disclose the use of a cylinder for a guide surface, Church discloses a door using a cylinder 44,45 as a guide surface, wherein, to incorporate this teaching into the wall with a set of doors of Ruffner, as modified by Stroup et al, for its explicit purpose of guiding would have been obvious to one of ordinary skill in the art.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruffner (U.S. Patent No. 6,035,253) in view of Stroup et al (U.S. Patent No. 3,090,427) as applied to claims 1-4,6-9,11,12,14-23 above, and further in view of Horner et al (U.S. Patent No. 5,887,385). While Ruffner does not disclose guide tracks which are elastically or pivotably mounted to the wall, Horner et al disclose a door comprising guide tracks 20 which are elastically or pivotably mounted 48 to a wall, wherein, to incorporate this teaching into the wall with a set of doors of Ruffner, as modified by

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Stroup et al, for the purpose of accommodating the movement of the doors would have been obvious to one of ordinary skill in the art.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-24 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Miale (U.S. Patent No. 4,653,566). Miale discloses the claimed set of doors including a first flexible door 72 and a second door 10 having at least a rigid bottom edge.

6. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Norton, McNally, Bonacci et al, Dilich, Lichy, Snyder et al, Brunk.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David M. Purol whose telephone number is (571) 272-6833.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Katherine Mitchell, can be reached at (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David M Purol/
David M Purol
Primary Examiner
Art Unit 3634

/D. M. P./
(571) 272-6833
February 17, 2008